



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 2202343
Address: 810 Seneca Street
Applicant: Warren Pollock, Architect for Kauri Investments, Ltd.

SUMMARY OF PROPOSED ACTION

For future construction of a 16-story, 73-unit apartment building. Project includes parking for 91 vehicles below grade.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code

Design Review – Design Departures – Chapter 23.41, Seattle Municipal Code

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The site is a High rise zoned (HR) site measuring 68 feet on its Seneca St. frontage and 120 feet deep. There is no alley and no easement for access to the site. The three adjacent sites are developed with multi-story buildings, portions of each of which extend to the property line with multi-story blank walls of varying heights. To the west is a five

story red brick apartment building built in 1918, The Park Seneca. This building has an interior light well/courtyard along a portion of the property line with the subject site, landscaped with deciduous trees the canopies of which reach the top of the building. On the north side of the site is a light colored brick building, built in recent years, providing medical office and lab space associated with the Virginia Mason Hospital, the Benoroya Research Institute. The proposal site is currently used as a principal use surface parking lot and is level at an elevation supported by the surrounding buildings and retaining walls.

Proposal Description

The proposal is to build a 64,500 residential building with underground parking, and open space on several levels.

Public Comment

No comment letters were received during the official public comment period, which ended April 30, 2003.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated March 24, 2003 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations/circumstances (SMC25.05.665), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

Construction Impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794). However, due to the close proximity of neighboring businesses, further analysis of construction impacts is warranted. The following is an analysis of the short-term impacts to the environment as well as mitigation.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Noise

Surrounding uses are likely to be slightly impacted by noise throughout the duration of construction. The limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), additional mitigation is warranted.

To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and Sundays from 10:00 a.m. to 6:00 p.m.

Hours on weekdays may be extended from 6:00 p.m. to 8:00 p.m. on a case-by-case basis. All evening work must be approved by the DPD Planner prior to each occurrence.

Construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on residents living in the vicinity of the construction. Restricting the ability to conduct these tasks would extend the construction schedule; thus, the duration of associated noise impacts.

DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD.

Long-Term Impacts

Long-term or use-related impacts are anticipated as a result of approval of this proposal including: increased on-site; noise; demand for public services and utilities; and light and glare and historic preservation.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these are: the Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, additional land use impact, which may have long-term effects are discussed below.

Shadows on Open Space

Access to sunlight, especially in Seattle's climate is an amenity of public open spaces. It is possible to design and locate structures to which they block light from public open spaces. It is the City's policy to minimize or prevent light blockage and the creation of shadows on open spaces most used by the public. Areas in downtown where shadow impacts may be mitigated include Freeway Park which is located about a block northwest of the 810 Seneca project. The applicant included an analysis of sunlight blockage and shadow impacts and the extent of the shadows for several times of the year and hours of the day. The analysis shows some additional shadow, but not a substantial change from

existing shadows from neighboring buildings. Much of the additional shadow falls on street right of way which is not a protected area listed in the ordinance. Therefore no mitigation is necessary for the additional shadows cast from this project.

The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding the project.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(c).
- [] Determination of Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is required under RCW 43.21.030(2)(c).

ANALYSIS DESIGN REVIEW

Early Design Guidance Wednesday March 5, 2003

The applicant shared a massing scheme tailored to the unusual site. A vehicle entry is proposed at the base of the structure, at the western property line, to ramp down to underground parking. The designer proposed a residential entrance mid-block leaving an element of blank façade at the eastern portion of the street front. The base of the structure would rise above grade to various heights along the property lines (several stories in some places) sufficient to cover blank façades with zero setback on existing, neighboring buildings. Setbacks would otherwise be designed to mimic and enhance the setbacks of neighboring buildings. A slender, as viewed from the street, 160 foot tall residential tower is envisioned. On the roof top a greenhouse solarium element was discussed as something that might be included as part of the rooftop open space. The design contemplates locating other open space elements at the rear of the site atop the base element and another on a rooftop part way up the tower.

PRIORITIES:

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project. The recommendations made were agreed to by all of the Board members present, unless otherwise noted.

- A-1 Responding to Site Characteristics - The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation, and views or other features.**
- C-2 Architectural Concept and Consistency - Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its facade walls.**

The Board expressed a high level of appreciation for the careful thought the applicant had given to how the proposed building should relate to its unusual site and context. They expressed support for a building form which would match the zero setback, cover blank façades of neighboring buildings and use building setbacks which complement and add to the setbacks of those buildings. The Board discussed balconies and noted a preference to a potential sleek-look of a tower without a series of "tongue depressor" balconies. Instead of providing spaces which might detract from the appearance of the building, and encourage unsightly outdoor storage, the Board offered to consider development standard departures to provide enclosed deck or bay spaces which might add to the architectural form of the building. These spaces could be designed to be "sun rooms" with windows which could be opened to provide more outdoor-like space in favorable weather. The Board members did not, in any sense, ask the applicant to take the sunroom approach, but offered it as an interesting idea they would support.

The top of the building should be expressed in some way with an architectural element.

Any elements of blank façade in the structure base along the street frontage should be carefully clad and architecturally detailed to become a positive building expression.

The design should include a marquee element identifying the building's pedestrian entry.

- C-4 Exterior Finish Materials - Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The Board observed that exterior finish materials will be particularly important in this building. The base elements need to convey strength, durability and quality to equal or exceed the mass of the buildings on either side along Seneca St. which are of brick. The tower element should be a slender, elegant design and needs to be clad in a material and color which carries out the vertical design concept in an elegant way.

C-5 Structured Parking Entrances - The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The Board recognized that proposed placement of the parking garage entry on Seneca St. at the western most extent of the street frontage is a practical necessity, but they recommended that the actual garage door be moved back into the structure, away from the sidewalk. The Board also stated that the width of the driveway should be kept to the minimum necessary to accommodate the traffic expected and that they would recommend a departure for this purpose. Sight lines and any necessary pedestrian door into the garage should be designed to minimize negative impacts to the sidewalk pedestrian realm.

Development Standard Departures

The applicant disclosed five potential departures from development standards desired in order to achieve a better designed project.

1. To reduce to zero the amount of required setback for structure base elements, matching in extent zero setback and windowless elements of adjacent buildings.

The Board thought this was an appropriate design approach to the existing context and that the surrounding buildings are likely to remain in place for years to come.

2. To allow required open space to not be provided on grade.

The Board indicated an understanding that the constraints of this particular site might mean that open space provided above grade would better accomplish the functional and design objectives of open space.

3. To depart from the landscape requirements for open spaces to provide more hardscape, especially on the upper level rooftop decks.

The Board indicated an understanding of how a plan which incorporated a heavily landscaped solarium with a more hardscaped open deck could potentially meet the landscaping objectives on this site. They indicated that they would want to see a landscape plan, by a professional landscape designer, before proceeding further towards a recommendation on this departure request.

4. To allow deck projections of four feet from the residential tower into required side setbacks.

The Board indicated some concern about this departure in that the addition of deck projections often has a negative impact on the architectural expression and are of marginal utility. The Board encouraged the applicant to consider other design alternatives such as the sun rooms described in the guideline notes above.

5. To remove the requirement for building modulation along the street frontage.

The Board expressed an understanding that this approach to the base element along Seneca St. would be a better response to the existing context than the code mandated modulation.

March 5, 2003 Design Review Board meeting

The Architect reviewed the site constraints and opportunities. He then presented the project at its current design development and reviewed the design departures he would probably seek at the recommendation meeting. See the departure matrix below. The architect explained his current thinking on building materials and colors.

The board asked clarifying questions and requests for more information for the next meeting. The architect should explore a setback at the upper brick and metal material change at about 120 feet. The Board noted that the color scheme was bold and interesting and told the architect to study the color, amount, and location of the bold and dark colors. For instance, would the elevator dark brick be too dark for that location and height? The Board wants to see alternatives at the next meeting. The Board also asked that the saddle brick and form be reviewed. The board asked to see details on the landscaping at the entry, lobby and exterior lighting, lobby and entry façade studies, exploration of a parapet or details on the top of building treatment at those areas which nearest the neighboring buildings.

Recommendation Meeting September 17, 2003

The Architect reviewed the project site, early design guidance and response to the guidance for the Board. The architect explained the desired design departure requests. Several new Board members replaced others whose term of service had expired. There were a few Board clarifying questions to further explain some of the open space location, accessibility to building residents or the public, the nature of the lobby space and entry forms. There was one member of the public who commented that this area has had an increase of illicit activity and that any way that this project can discourage that trend would be much appreciated. During the Board deliberations they reviewed the departures and had the architect clarify a couple of the requests. There was discussion that this building especially the first few floors could explore some elements that made the building look more residential. The desire is to enliven the public front of the façade whereas the tenants can engage to give life to the street front. Architectural elements that

should be explored could include the following: small balconies, or balconettes large enough to support some potted plants, architectural elements that give texture and interest to the residential façade. The Board wants the addition to be integral to the building plans and not a tacked on feature that could flag with maintenance inattention. Human activity in the lobby should be encouraged in the way of a retail feature, coffee cart, magazine or paper vendor. Electrical outlets, plumbing and any other mechanical system to support such activity should be added to the project now.

Departure from Development Standards:

The applicant requested possible departures from the following Land Use Code development standards:

<i>Development Standard</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Comment</i>	<i>DR Board Recommendations</i>
23.45.072C Side setback	40' combined side setback	where the sides do have buildings abutting there will be no setback to the height of the other buildings.	Meets bulk of neighboring buildings at the side lot lines.	Approved
23.45.072 Side setback	40' combined side setback	A side yard setback of 14' above 121' of structure at the exit stair tower.	Design options are limited by the small lot size.	Approved
23.45.072 front setback	20' front setback above 37'.	No setback above 20'		Approved
23.45.068 structure width and depth	Modulation of at least 4 feet and every 30'.	No modulation of the façade.		Approved
23.45.074 Open Space	50% open space at ground level.	37% at ground level and the balance above grade on terraces and roof.		Approved
23.45.074 landscape	50% of the lot area shall be landscaped open space at ground level	37% ground level landscaped open space	Upper level open spaces will be landscaped.	Approved

In general the board was willing to consider the above departures in order to allow the architect opportunity to configure the building and open space into the optimal form for this site. After considering the site and context, hearing public comment, considering the previously identified design priorities, and reviewing the plans and renderings, the five Design Review Board members unanimously recommended **approval** of the subject design and development standard departures with comments to consider adding human scale and a more residential look by using architectural elements on the front façade, especially for the first 2 or 3 floors.

ANALYSIS AND DECISION - DESIGN REVIEW

The Director of DPD has reviewed the recommendations of the five Design Review Board members present at the Design Review meetings and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily Buildings and that the development standard departures present an improved design solution, better meeting the intent of the Design Guidelines, than would be obtained through strict application of the Seattle Land Use Code. Therefore, the proposed **design is approved** as presented in the official plan sets on file with DPD as of the September 17, 2003 Design Review Board meeting and the recommended **development standard departures** described above are **approved**, with the Board's recommended design **conditions**, enumerated below if any.

CONDITIONS – Design Review

For the Life of the Project

1. On level 16 two (2) garden rooms and all outside decks shall be maintained in good order for the use of all building residents. The entry level multipurpose room will be put to use as the owner sees fit.

Non-Appealable Conditions

2. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Holly Godard, tel 206-615-1254). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
3. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Holly Godard), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
4. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

CONDITIONS - SEPA

Prior to issuance of the building permit

5. An easement shall be recorded for the described area needed for the building "overhang" west of the building

During Construction

6. The owner(s) and/or responsible party(s) shall: post the following conditions at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.
7. To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and Sundays from 10:00 a.m. to 6:00 p.m. Hours on weekdays may be extended from 6:00 p.m. to 8:00 p.m. on a case-by-case basis. All evening work must be approved by the DPD Planner (H. Godard, (206) 615-1254) prior to each occurrence. Construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance.

For the Life of the Project

8. Oil/water separators will be installed at the parking garage levels.

Signature: _____ (Signature on file) Date: March 8, 2004
Holly J. Godard, Land Use Planner
Department of Planning and Development

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